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Intro:

I support House Bill 4806 because it gives discretion back to the Court, allowing the judges to provide a harsh sentence when necessary and an intermediate one when evidence suggests rehabilitation. Additionally, it is just that the bill applies to all juveniles and that there should be reasonable access to a resentencing hearing. I would like to take a moment and highlight some important parts of the bill.

Point 1: Sentencing Discretion

I am married to Saulo Montalvo #253032. In 1996, when Saulo was 16 years old, he was part of a murder robbery. He was sentenced as an adult to mandatory LWOP. Saulo's sentencing judge was Honorable Dennis C. Kolenda. Judge Kolenda said that Saulo's case was hard to decide because some factors favored a juvenile sentence and some favored an adult sentence. He spoke about the shortness of the juvenile sentence (juvenile detention center until 21 years old) and the extremeness of the adult sentence (mandatory LWOP) in regards to time necessary to effectively treat the individual, Saulo. He stated several times that the law did not give him the ability to choose an intermediate sentence. It seemed clear that if the law gave Judge Kolenda the choice, he would have given Saulo an intermediate sentence. Out of the 350+ juveniles sentenced to mandatory LWOP in our state, I am certain that Judge Kolenda is not the only judge who was prohibited by the law to make what he/she deemed would be the most appropriate decision for everyone involved. Because of this, I strongly support that House Bill 4806 applies to all juveniles sentenced to mandatory LWOP before January 1, 2014. Here is a situation where the judge, by law, was not given the authority to exercise what he would have considered a proper judgment. Now we have an opportunity to rectify this problem and give discretion back to the Court for juveniles. Also, Saulo and others have exhausted their time to appeal. This is one example why Miller v. Alabama should be retroactive for all juveniles and one reason that I strongly support the sentencing options of LWOP, LWP, and a term of years. These options will provide the Court with discretion in an area where they had been limited. In addition, I believe the term of years should be open-ended as each juvenile is different and may require unique sentencing options.

Point 2: Juveniles Change

I agree with the factors to be considered in subsection 5, especially factor A, which says it is necessary to consider the individual person's character and record. Considering who the juvenile is now, whether he has made positive, negative, or neutral growth and if that growth has been maintained since his original sentencing, is a vital component for the Court in making a sound decision for the juvenile and society. We cannot forget that juveniles are not fully developed adults. This is not a matter of opinion. This is scientific fact. Juveniles can change, and rehabilitation is a goal of the justice system. I have seen evidence of this change with positive growth in Saulo's life over the 17 ½ years that he has been incarcerated. Treatment has taken hold in Saulo's life, and he is just one example of this.

Point 3: Reasonable Access to Resentencing

I support subsections 3 and 4, which allow a prosecutor or a prisoner to file a motion for resentencing. This should prevent any juvenile from being overlooked. I also support subsection 5, which states, "If the prosecuting attorney files a motion for resentencing under subsection 3, whether or not the person files a

response... the court shall conduct a hearing.” This is important as not all inmates will have the means to make a timely response.

Conclusion

I support House Bill 4806 because it gives discretion back to the Court, allowing the judges to provide a harsh sentence when necessary and an intermediate one when evidence suggests rehabilitation. Additionally, it is just that the bill applies to all juveniles and that there should be reasonable access to a resentencing hearing.

I would rewrite this conclusion so it says the same thing with different words.

Intro

Now I would like to briefly share my views on House Bill 4809. I support House Bill 4809 because it gives the parole board the power to do its job, it provides appropriate evaluation criteria for the board, and it provides Parole Board interviews every two years.

Point 1: Parole Board Power

House Bill 4809 states that an objection from a judge does not automatically deny parole. I agree that the decision should stay in the discretion of the Parole Board since it is their job to evaluate all of the evidence and criteria, and it is not wise to allow one person to have the power to negate that work.

Point 2: Parole Board Criteria

I also support the criteria that will be considered by the Parole Board for juvenile offenders who are up for parole. These criteria allow the Parole Board to evaluate the juvenile according to their juvenile status at the time of the crime and incorporate who the juvenile has become during their incarceration. A juvenile's mindset is different from that of an adult. It is important to see where the juvenile's mindset was at the time of the crime and where it is now that they have become an adult.

Point 3: Parole Board Interview

I support section 4, subsection 8a, which discusses one member of the Parole Board interviewing a prisoner when he becomes eligible for parole and every 2 years after. It also mentions the interview being a face-to-face interaction, even via video technology. I strongly support the Parole Board interviewing a prisoner each time the prisoner is up for parole.

I do not support section 35, subsection 2, which gives the Parole Board the ability not to interview a prisoner if they determine the prisoner has a low probability of being paroled (according to Parole Guidelines). The interview is an opportunity for the prisoner to illustrate who he is and for the Parole Board to understand the inmate. It is therefore necessary for the interview to take place every 2 years for the Parole Board to gain an accurate and linear understanding of the prisoner and his progress. How can the person be understood and evaluated if they aren't spoken to?

Conclusion:

In conclusion, I support House Bills 4806 and 4809 because I believe that judges should have the power to give appropriate sentences to juveniles who are serving mandated LWOP sentences and that parole should be available for juvenile offenders.

Thank you for listening and considering what I have had to say.


Laura Montalvo